

America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.”, should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.

(June 22, 1942, ch. 435, § 7, 56 Stat. 380; Dec. 22, 1942, ch. 806, § 7, 56 Stat. 1077; Dec. 28, 1945, ch. 607, 59 Stat. 668; June 14, 1954, ch. 297, 68 Stat. 249; July 7, 1976, Pub. L. 94-344, §1(19), 90 Stat. 813.)

AMENDMENTS

1976—Pub. L. 94-344 inserted requirement that during rendition of the Pledge of Allegiance to the Flag, all persons should face the flag and men with headdress except those in uniform should remove their headdress and hold it at the left shoulder, the hand being over the heart.

1954—Act June 14, 1954, inserted “under God,” in the pledge.

1945—Act Dec. 28, 1945, inserted “The following is designated as”, inserted the period after “justice for all.”, and struck out “is rendered by standing with the right hand over the heart,” in first sentence, and inserted sentence “Such pledge should be rendered by standing with the right hand over the heart.”

1942—Act Dec. 22, 1942, struck out “extending the right hand, palm upward, toward the flag at the words ‘to the flag’ and holding this position until the end, when the hand drops to the side.” at end of first sentence.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 178 of this title.

§ 173. Display and use of flag by civilians; codification of rules and customs; definition

The following codification of existing rules and customs pertaining to the display and use of the flag of the United States of America is established for the use of such civilians or civilian groups or organizations as may not be required to conform with regulations promulgated by one or more executive departments of the Government of the United States. The flag of the United States for the purpose of this chapter shall be defined according to sections 1 and 2 of title 4 and Executive Order 10834 issued pursuant thereto.

(June 22, 1942, ch. 435, § 1, 56 Stat. 377; Dec. 22, 1942, ch. 806, § 1, 56 Stat. 1074; July 7, 1976, Pub. L. 94-344, §1(1), 90 Stat. 810.)

REFERENCES IN TEXT

This chapter, referred to in text, probably means chapter 435 of act June 22, 1942, 56 Stat. 380, which is classified to sections 171 to 178 of this title.

Executive Order 10834, referred to in text, is Ex. Ord. No. 10834, Aug. 21, 1959, 24 F.R. 79, which is set out as a note under section 1 of Title 4, Flag and Seal, Seat of Government, and the States.

AMENDMENTS

1976—Pub. L. 94-344 inserted provisions defining “flag of the United States” for purposes of this chapter according to sections 1 and 2 of title 4 and Executive Order 10834.

1942—Act Dec. 22, 1942, reenacted section without change.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 178 of this title.

§ 174. Time and occasions for display

(a) Display on buildings and stationary flagstaffs in open; night display

It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness.

(b) Manner of hoisting

The flag should be hoisted briskly and lowered ceremoniously.

(c) Inclement weather

The flag should not be displayed on days when the weather is inclement, except when an all weather flag is displayed.

(d) Particular days of display

The flag should be displayed on all days, especially on New Year's Day, January 1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, third Monday in February; Easter Sunday (variable); Mother's Day, second Sunday in May; Armed Forces Day, third Saturday in May; Memorial Day (half-staff until noon), the last Monday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, second Monday in October; Navy Day, October 27; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; and such other days as may be proclaimed by the President of the United States; the birth-days of States (date of admission); and on State holidays.

(e) Display on or near administration building of public institutions

The flag should be displayed daily on or near the main administration building of every public institution.

(f) Display in or near polling places

The flag should be displayed in or near every polling place on election days.

(g) Display in or near schoolhouses

The flag should be displayed during school days in or near every schoolhouse.

(June 22, 1942, ch. 435, § 2, 56 Stat. 378; Dec. 22, 1942, ch. 806, § 2, 56 Stat. 1074; July 7, 1976, Pub. L. 94-344, §1(2)-(5), 90 Stat. 810.)

CODIFICATION

“Veterans Day” substituted for “Armistice Day” in subsec. (d) to conform to the provisions of act June 1, 1954, ch. 250, 68 Stat. 168. See section 6103 of Title 5, Government Organization and Employees.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-344, §1(2), substituted provision permitting display of the flag for 24 hours a day to produce a patriotic effect if flag is properly illuminated during the hours of darkness, for provision permitting night display of the flag upon special occasions when it is desired to produce a patriotic effect.

Subsec. (c). Pub. L. 94-344, §1(3), inserted provision excepting display of all weather flag.

Subsec. (d). Pub. L. 94-344, §1(4), struck out “when the weather permits” after “displayed on all days” and “Army Day, April 6” before “Easter Sunday”, inserted “Armed Forces Day, third Saturday in May”, and substituted “third Monday in February” for “February 22”, “the last Monday in May” for “May 30”, and “second Monday in October” for “October 12”.

Subsec. (e). Pub. L. 94-344, §1(5), struck out “, weather permitting,” after “displayed daily”.

1942—Subsec. (d). Act Dec. 22, 1942, substituted “fourth Thursday in November” for “last Thursday in November”.

VALLEY FORGE STATE PARK, PENNSYLVANIA; DISPLAY OF FLAG

Pub. L. 94-53, July 4, 1975, 89 Stat. 259, provided: “That, notwithstanding the rule or custom pertaining to the display of the flag of the United States of America between sunrise and sunset, as set forth in section 2(a) of the joint resolution, entitled, ‘Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America’, approved June 22, 1942 (36 U.S.C. 174(a)), the flag of the United States of America may be flown for twenty-four hours of each day on the grounds of the National Memorial Arch in Valley Forge State Park, Valley Forge, Pennsylvania. The flag may not be flown pursuant to the authority contained in this Act during the hours from sunset to sunrise unless it is illuminated.”

LEXINGTON, MASSACHUSETTS; DISPLAY OF FLAG

Pub. L. 89-335, Nov. 8, 1965, 79 Stat. 1294, provided: “That, notwithstanding any rule or custom pertaining to the display of the flag of the United States of America as set forth in the joint resolution entitled ‘Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America’, approved June 22, 1942 (36 U.S.C. 171-178), the flag of the United States of America may be flown for twenty-four hours of each day on the green of the town of Lexington, Massachusetts. The flag may not be flown pursuant to the authority contained in this Act during the hours from sunset to sunrise unless it is illuminated.”

FLAG HOUSE SQUARE, BALTIMORE, MARYLAND; DISPLAY OF FLAG; TIME

Act Mar. 26, 1954, ch. 109, 68 Stat. 35, provided: “That notwithstanding any rule or custom pertaining to the display of the flag of the United States of America as set forth in the joint resolution entitled ‘Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America’, approved June 22, 1942, as amended [sections 171 to 178 of this title], authority is hereby conferred on the appropriate officer of the State of Maryland to permit the flying of the flag of the United States for twenty-four hours of each day in Flag House Square, Albemarle and Pratt Streets, Baltimore, Maryland.

“SEC. 2. Subject to the provisions of section 3 of the joint resolution of June 22, 1942, as amended [section 175 of this title], authority is also conferred on the appropriate officer of the State of Maryland to permit the flying of a replica of the flag of the United States which was in use during the War of 1812 for twenty-four hours of each day in Flag House Square, Albemarle and Pratt Streets, Baltimore, Maryland.”

PROC. NO. 4064. DISPLAY OF FLAGS AT THE WASHINGTON MONUMENT

Proc. No. 4064, July 6, 1971, 36 F.R. 12967, provided:

The Washington Monument stands day and night as America’s tribute to our first President. The fifty American flags that encircle the base of the Monument represent our fifty States and, at the same time, symbolize our enduring Federal Union.

As this Nation’s 200th year approaches, I believe that it would do all Americans well to remember the years

of our first President and to recall the enduring ideals of our Nation.

As an expression of our rededication to the ideals of America and in accordance with the joint resolution of Congress of June 22, 1942 (56 Stat. 377), as amended by the joint resolution of December 22, 1942, (56 Stat. 1074) [this section], which permits the flag to be displayed at night “upon special occasions when it is desired to produce a patriotic effect,” it is appropriate that our national colors henceforth be displayed day and night at the Washington Monument.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim that, effective July 4, 1971, the fifty flags of the United States of America displayed at the Washington Monument in the District of Columbia be flown at all times during the day and night, except when the weather is inclement.

The rules and customs pertaining to the display of the flag as set forth in the joint resolution of June 22, 1942, as amended [section 173 et seq. of this title], are hereby modified accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of July, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-sixth.

RICHARD NIXON.

PROC. NO. 4131. DISPLAY OF FLAG AT UNITED STATES CUSTOMS PORTS OF ENTRY

Proc. No. 4131, May 5, 1972, 37 F.R. 9311, provided:

The flag of the United States should be one of the first things seen at our Customs ports of entry, both by American citizens returning from abroad and by travelers from other countries.

As the symbol of our country and our freedoms, the national colors of the United States provide a welcome greeting of warm promise.

Many people, however, enter our country at night when the flag is not flown, because of the nearly universal custom of displaying it only from sunrise to sunset.

Authority exists to amend that custom. A Congressional joint resolution of June 22, 1942 (56 Stat. 377), as amended (36 U.S.C. 173-178), permits the flag to be displayed at night “upon special occasions when it is desired to produce a patriotic effect.”

I believe it is appropriate that returning citizens and visitors from other countries be welcomed by our flag whether they arrive at their ports of entry by night or by day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim that the flag of the United States of America shall hereafter be displayed at all times during the day and night, except when the weather is inclement, at United States Customs ports of entry which are continually open.

The rules and customs pertaining to the display of the flag, as set forth in the joint resolution of June 22, 1942, as amended, are hereby modified accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

RICHARD NIXON.

CROSS REFERENCES

National observances, display of flag on, see section 141 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 178 of this title.

§ 175. Position and manner of display

The flag, when carried in a procession with another flag or flags, should be either on the